

ZB# 96-21

Marge Lindrmann

62-9-40

Helim.

April 22, 1996.

Applicant has

Applications

Need:

① Title Report 4

② Deed 4

③ Photos 4

④ Fees ① 50.00 4

② 300.00 4.

Outstanding

Public Hearing:

June 10, 1996.

Area Variance

Granted

Refund: \$194.00

#96-21- Linderman, Marge.

62-9-40- Area.

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

15489

May 6

1996

Received of Marjorie Ann Lindemann \$ 50.00

Fifty 00/100 DOLLARS

For ZBA # 96-21

DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 1009		50.00

By Dorothy H. Hansen

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

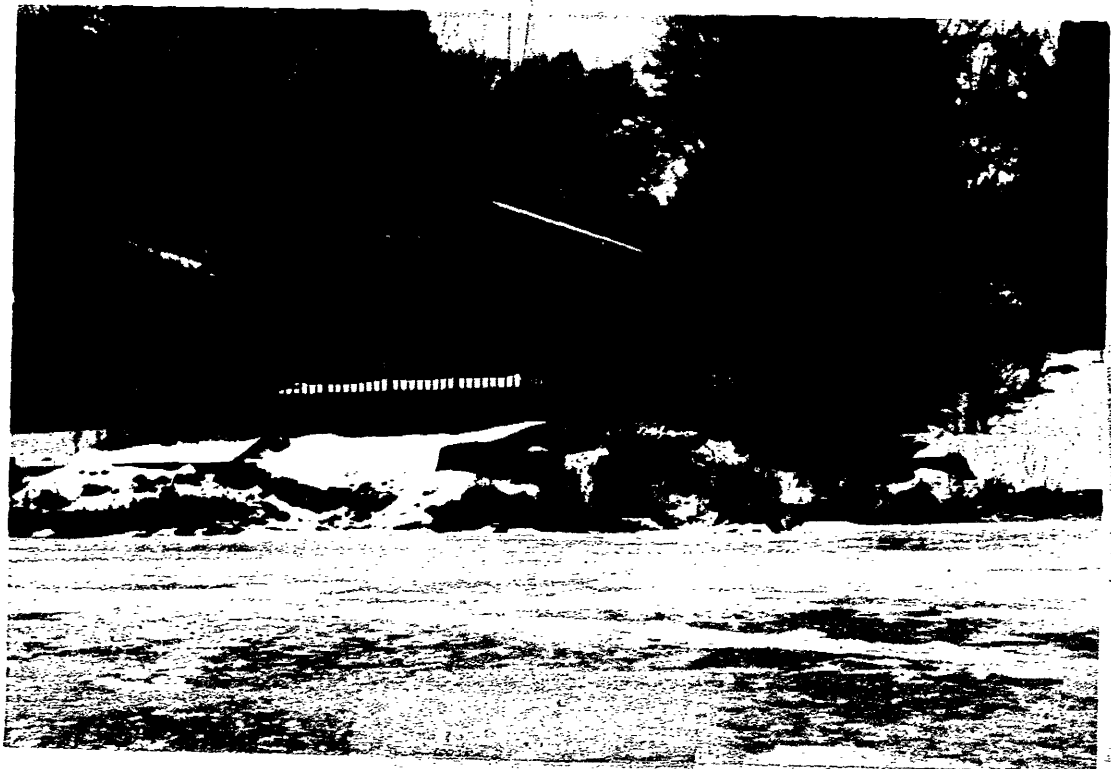


FUND	CODE	AMOUNT
CR # 1009		50.00

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By Dorothy H. Hansen

Town Clerk
Title



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Linderman, Marge

FILE # 96-21

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00 paid
* * * * * 5/6/96 - #1007

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00 paid
5/6/96 - #1008

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 4/22/96 - 4 pages \$ 18.00
2ND PRELIM. MEETING - PER PAGE 6/10/96 - 4 \$ 18.00
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 4/22/96 \$ 35.00
2ND PRELIM. 6/10/96 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

_____ \$ _____
TOTAL \$ 106.00

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$ _____
REFUND DUE TO APPLICANT . \$ 194.00

(ZBA DISK#7-012192.FEE)

DATE		CLAIMED	ALLOWED
6/24	Escrow Reimbursement - ZBA File 96-21	\$194.00	
Approved: Patricia G. Bunhart			

MARJORIE ANN LINDEMANN
203 SHORE DR. 914-496-1375
NEW WINDSOR, NY 12553

1008

58-7536/2219

PAY TO THE
ORDER OF

Town of New Windsor \$ 300.00
Three hundred and 00/100 DOLLARS



P.O. BOX 1750, Poughkeepsie, NY 12601 914-453-3011

MEMO ZBA #96-21

⑆221979363⑆0637643009⑆

1008

Marjorie A. Lindemann

MARJORIE ANN LINDEMANN
203 SHORE DR. 914-496-1375
NEW WINDSOR, NY 12553

1009

58-7536/2219

PAY TO THE
ORDER OF

Town of New Windsor \$ 50.00
Fifty and 00/100 DOLLARS



P.O. BOX 1750, Poughkeepsie, NY 12601 914-453-3011

MEMO ZBA #96-21

⑆221979363⑆0637643009⑆

1009

Marjorie A. Lindemann

In the Matter of the Application of

MARJORIE LINDEMANN

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#96-21.

WHEREAS, MARJORIE LINDERMAN, 203 Shore Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 20 ft. rear yard variance for existing attached pool deck located at the above residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 10th day of June, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board for this proposal; and

WHEREAS, there were two spectators appearing at the public hearing; and

WHEREAS, one spoke in favor of the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The subject property is a one-family home located in a neighborhood of one-family homes.

(b) This home is located so that the back yard of the home is partially under water, that water being Beaver Dam Lake.

(c) There are homes in the area with similar decks and pools.

(d) The deck was built last year.

(e) The deck is constructed in such a way that, although the deck is on two levels, there is no stairway connecting the levels as the same would not be permitted by the Building Department.

(f) Without the deck on the premises, there would be a considerable drop between the rear exit of the house and the ground resulting in almost certain serious injury for anyone exiting the house by that doorway.

(g) No complaints have been registered with the Building Department or received by the Applicant during the time that the deck and pool have been constructed.

(h) The area immediately to the rear of the deck is in Beaver Dam Lake. The surrounding area is wooded.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless are warranted due to the unique location of Applicant's residence and the fact that the large portion of her parcel is under water.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but should be allowed for the reasons set forth in the paragraphs above.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 20 ft. rear yard variance for existing attached pool deck located at the above residence, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 12, 1996.



Chairman

Date 6/20/96, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr. DR.
New Windsor Ny 12553

DATE			CLAIMED	ALLOWED
6/10/96	Zoning Board Meeting		75 00	
	Misc - 2			
	Belle - 1			
	Cuttica - 3			
	Monaco - 9			
	Morfe - 3			
	Schultz - 4			
	Castro - 5			
	Tepper - 2			
	18.00	18.00		
	Petronella - 4		166 50	
	37 pp		241 50	

PUBLIC HEARING:

~~LINDEMANN, MARJORIE~~

MR. NUGENT: Request for 20 ft. rear yard variance for existing attached pool deck at 203 Shore Drive in an R-4 zone. Is there anyone in the audience on the public hearing for Marjorie Lindemann, besides the applicants? Mike, do you want to take this over there?

MR. KANE: Sure.

Ms. Marjorie Lindemann appeared before the board for this proposal.

MS. BARNHART: For the record, I sent out and I have an affidavit of service by me stating that I sent out 38 addressed envelopes containing attached notice of public hearing on May 14, 1996.

MS. LINDEMANN: Okay, I built the deck, actually I got a permit for a deck around the pool and it turned out that when I went to have it inspected, they said that they felt that the decks looked like they were connected, the top and bottom deck, therefore, I need a 40 foot rear back yard to the lake which I don't have. I have a round 27 feet, something like that but I'm asking for 20 foot variance. So it is really, it goes into the lake.

MR. KRIEGER: Part of your property is under water?

MS. LINDEMANN: That is correct, 14 feet so I am asking for 20 foot variance.

MR. NUGENT: Is that--

MS. LINDEMANN: It's not 20 feet, I'm asking.

MR. NUGENT: No but the 14 feet that is under water you're considering that?

MS. LINDEMANN: That is part of 182 feet from the beginning of my property to the end, so that is part of the property so really my property is 14 foot shorter

than if you look at the land.

MR. KRIEGER: It appears to be 14 foot shorter than it actually is.

MR. KANE: So in giving you the denial, did the building inspector count that 14 feet that was under water?

MS. LINDEMANN: Yes.

MR. KANE: Do other homes in your area have similar type decks, not exactly the same, but similar type set up?

MS. LINDEMANN: They have decks, pool.

MS. LINDEMANN: There's a pool that is two houses away from me that was, I'm not sure if the deck is connected, but there's, it's above-ground pool.

MR. KANE: Your pool and deck are consistent with the area, I don't think it's a downgrade to the area at all.

MR. KRIEGER: How long has it been existing?

MS. LINDEMANN: The deck I had built it last year in May, I went, I got my permits but apparently, I wanted to have a staircase from one deck down to the other deck and at the time, they told me I couldn't do that because of the 40 foot so the construction, the people who constructed it decided to just, you know, put the other deck, you know, right below it instead of having it three feet away. So you'd have the space from one deck to the other. Well, it looks like it's considered that it is together and really because the back there's some back boards that were connected on the top deck, on the bottom deck, so for privacy reasons, that it looks like it's connected.

MR. NUGENT: What do you have to go down to the ground and go back up?

MS. LINDEMANN: Yes.

MR. KRIEGER: During the time that it has been up, have you ever received any complaints from anyone about it?

MS. LINDEMANN: No.

MR. KRIEGER: To your knowledge, have any complaints been made to the town? Have you ever been notified?

MS. LINDEMANN: I have never heard of anything, if anything, I have heard that I have improved the property tremendously.

MR. KRIEGER: What was there before the deck?

MS. LINDEMANN: There was an existing deck on the top deck there was all woods, that was wooded, you know, I cut down--

MR. KRIEGER: In that particular area?

MS. LINDEMANN: Yes.

MR. KANE: Do you consider the way that you have the top part of the deck and the fencing around an increase in safety for your pool?

MS. LINDEMANN: Absolutely.

MR. KRIEGER: There's a way of coming from the house on to the deck, is that correct?

MS. LINDEMANN: Yes, those two doors, they are sliding glass doors, those come out to the top deck, the bottom deck there's no way from the top deck to the bottom, you have to come down the staircase and then you have to come up a staircase on the side and come into the pool area.

MR. NUGENT: Any further questions by the board?

MR. KANE: Not at the moment.

MR. NUGENT: I'd like to open it up to the public.

June 10, 1996

32

MS. LYNN DALLISON (PHONETIC): I don't have any objection, I was curious as to why she had to get a variance for this, it does appear from the lake to be close to the edge of the lake but if 14 feet is under water.

MS. LINDEMANN: You have to have 40 feet from the edge of the deck.

MS. DALLISON: So you have got 27?

MR. NUGENT: Okay, anyone else? All right, at this time, I'd like to close the public hearing and open it back up to the board. Any further questions? If not, accept a motion.

MR. KANE: I'd like to move that we grant Marjorie Lindemann her requested 20 foot rear yard variance at 203 Shore Drive.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Commitment for Title Insurance

JT-O-1994050

Harvey



RECEIVED NOV 14 1994

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota stock corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of the title insurance and all liability and obligations hereunder shall cease and terminate nine months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A.

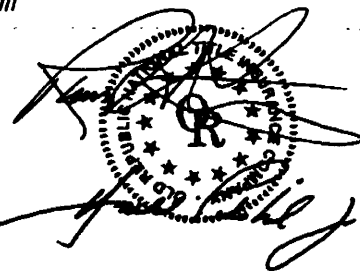
Issued by:



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

Redated - 1-6-95
J. J. [Signature]
[Signature]
Countersigned by:

By



President

Attest



Secretary

This commitment is intended for lawyers only. Such exceptions as may be set forth herein may affect marketability of title. Your lawyer should be consulted before taking any action based upon the contents of this commitment. The Company's representative at the closing hereunder may not act as legal advisor to any of the parties or draw legal instruments for them. Such representative is permitted to be of assistance only to an attorney. It is advisable to have your attorney present at the closing.

LO Market Value Picker TBG

Old Republic National Title Insurance Co.

SCHEDULE A Insurance Co.

Title No. JT-O-1994050

Effective date: November 04, 1994

Prepared for: Richard Clarino, Esq.

Premises: 502 SHORE DRIVE Town of New Windsor
County: Orange
Sec.: 62 Blk: 9 Lot: 40 Thru 41

Grid #:

Policy or Policies to be issued:

\$128,000.00

(X) ALTA Owner's Policy 1990 (with N.Y. Endorsement Modifications)

Proposed Insured: { Marjorie A. Lindenann
Leslie A. Emery

\$100,000.00

(X) ALTA Loan Policy 1990 (with N.Y. Endorsement Modifications)

Proposed Insured: KeyCorp Mortgage Inc.
Its Successors and/or Assigns

Borrower: Marjorie A. Lindenann
Leslie A. Emery

The estate or interest in the land described or referred to in this certificate and covered herein is: FEE SIMPLE

Title to said estate or interest in said land at the effective date hereof is vested in:

Robert Boiardi who acquired title from Robert Boiardi and Linda K. Kearney, by deed dated September 22, 1987, recorded September 23, 1987 in the Orange County Clerk's/Register's Office in Deed Book 2801, Page 243.

The land referred to in this Certificate is described as follows:
(If not described here, as on page 2 of this Schedule).

NOTE: This Certificate is intended for lawyers only. Such exceptions set forth herein may effect marketability of title. Your lawyer should be consulted before taking any action based upon the contents hereof. The Company's representative at the closing hereunder may not act as legal advisor to any of the parties or draw legal instruments for them. Such representative is permitted to be of assistance only to an attorney. It is advisable to have your attorney present at the closing.

Old Republic National Title Insurance Co.

Title No. JT-O-1994050

SCHEDULE B

The policy will not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of the following exceptions unless they are disposed of to our satisfaction:

1. Taxes, tax liens, tax sales, water rates, sewer and assessments set forth in schedule herein.
2. Mortgages returned herein (One). Detailed statement within.
3. ~~Any state of facts which an accurate survey might show.~~
or
Survey exceptions set forth herein.
4. Rights of tenants or persons in possession.
5. Covenants, conditions, easements, leases, agreements of record etc., more fully set forth in Schedule herein:
None
6. Underground encroachments and easements, of any, including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same.
7. The amount of acreage is not insured.
8. No title is insured to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in Schedule "A" or which may cross over the same.
9. Subject to rights and easements, if any, acquired by any public utilities company to maintain its poles and operate its wires, lines, etc., in, to and over the premises herein and in, to and over the streets adjacent thereto.
10. ~~No personal inspection having been made by this Company,~~
policy will except any state of facts an inspection would disclose.
11. The courses stated in the description will not be insured in the absence of a satisfactory survey certified to the Company.

7/31/17/18
[REDACTED]
[REDACTED] and [REDACTED] of other over the [REDACTED] by [REDACTED] and [REDACTED] rights of [REDACTED] in favor of [REDACTED] the [REDACTED] premises herein.

- mk*
13. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be expected.
 14. Searches have been run against the name Marjorie Lindenann and Leslie Emery and returns, if any appear herein.

NOTE: If the subject transaction is one involving a sale subject to the mortgage(s) returned in item number 2 above, and since many lenders now have the mortgage instrument state that the debt will become due and payable at the option of the mortgagee upon any transfer of title, it is recommended that the applicant examine the mortgage document(s) as well as the note(s) and bond(s) and any agreement modifying said mortgage(s) or make inquiry of the mortgagee of the current terms of such instruments especially with respect to acceleration of the maturity date in case of sale. Upon request, we will obtain and furnish a copy of the recorded mortgage(s) for cost.

SCHEDULE A

Title No. JT-O-1994050

DESCRIPTION

ALL that certain plot, piece or parcel of lands, situate, lying and being in the Town of New Windsor, Orange County, New York, shown as Lots No.; 58 & 59, Block 2 on Map of Beaver Dam Lake, Section 1, Lands of Henry Powell Ramsdell, dated 22 April 81 and filed in the Orange County Clerk's Office, bounded and described as follows:

Beginning at a point at the intersection of the westerly line of lands now or formerly of Kurz, South $36^{\circ} 17'$ feet West, 182.0 feet to a point; thence along the shore of Beaver Dam Lake, North $51^{\circ} 59' 54''$ West; 50.02 feet, to a point, thence along the easterly line of lands now or formerly of White, North $36^{\circ} 17'$ feet East, 180.5 feet to a point thence along the said southerly line of Shore Drive, South $53^{\circ} 43'$ feet East, 50.0 feet to the point and place of beginning.

James

Old Republic National Life Insurance Co.

Title No. JT-O-1994050

TAX SEARCH

Section: 62

Block: 9

Lot: 40 Thru

41

Grid #:

Assessed Valuation:

Land \$5,200.00

Total \$30,600.00

Newburgh School District

Some items returned hereon may have been paid but payment not officially posted. Receipted bills should be produced on closing. Policy does not insure against items not a lien up to the date of the policy, nor for installments for assessments due after date of this policy. Policy does not insure against pending assessments.

If premises are benefited by a Real Estate Tax Abatement personal to an exempt owner; additional taxes may accrue or may have accrued due to a change in ownership or possession. Any restored taxes from the date of transfer of title or possession from the exempt owner, must be fixed and paid prior to closing of title.

mt
1995 S C T Tax \$1471.54 collect.
1994 State, Town and County Taxes \$154.61 Paid

1993 State, Town and County Taxes \$1,400.92 Paid

1994/95 School Taxes to follow

62-9-41

Land: \$2,400.00 Total: \$2,400.00

1995 S C T Tax \$889.98 - collect.
1994 State, Town and County Taxes \$84.19 Paid

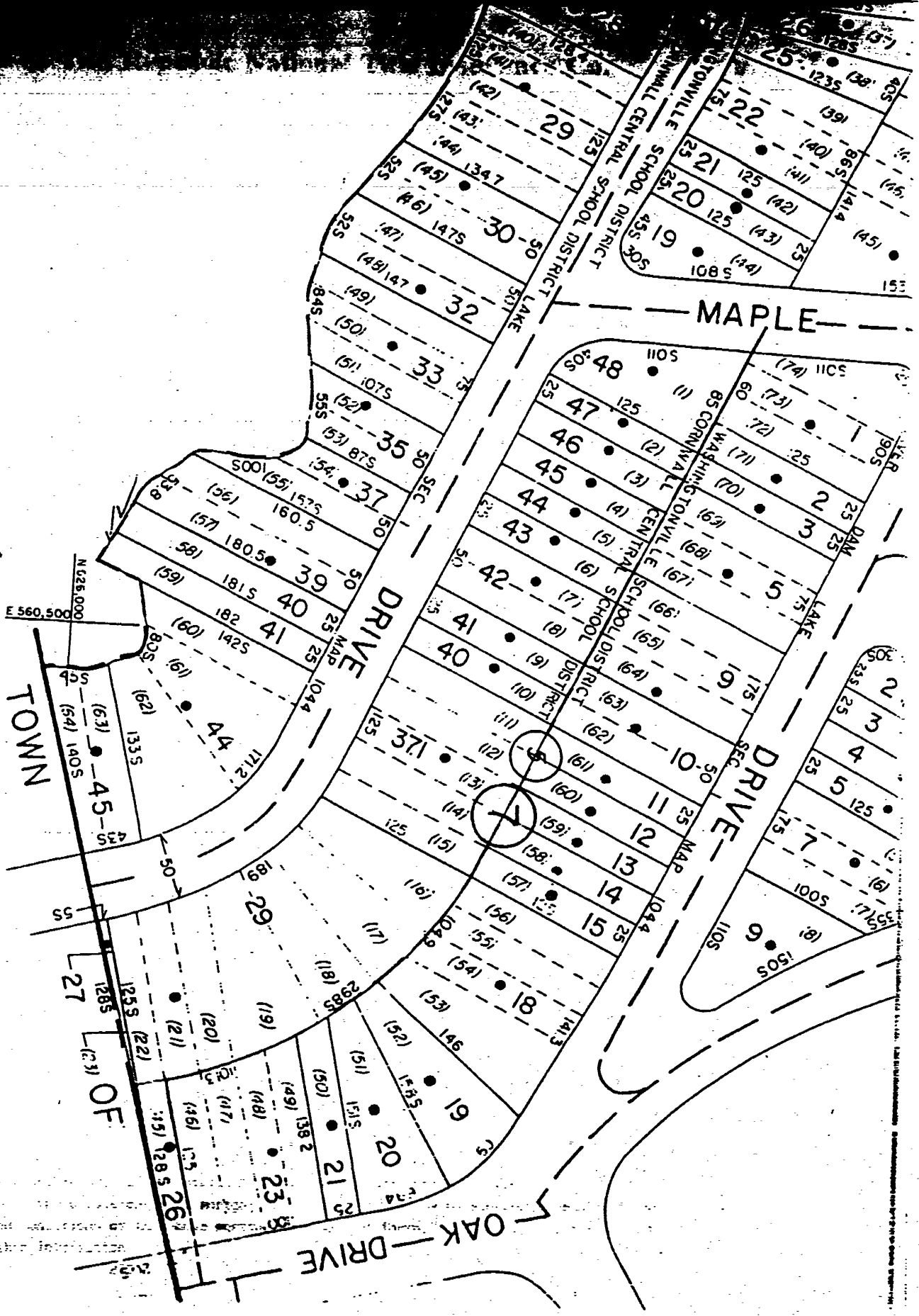
1993 State, Town and County Taxes \$83.63 Paid

1994/95 School Taxes to follow

FOR INFORMATION:

The policy does not insure against water meter and sewer rental charges accruing since the date of the last reading, nor charges which may have accrued prior thereto which charges are entered subsequent to the date of closing.

The policy does not insure against building purpose, water frontage charges or sewer rent charges entered subsequent to the date of the policy which may have been reassessed for periods prior to the date of the closing.



For all the terms and conditions of the mortgage for further information

Old Republic National Title Insurance Co.

Title No. JT-O-19940

MORTGAGES

2 mit
Mortgagor Robert Boiardi

Mortgagee Poughkeepsie Savings Bank

Amount \$ 75,000.00

Dated 12/3/87

Recorded 3/17/88

Liber 3001 Page 232

the above mortgage, unless it is to be insured, will appear as an exception in our title policy if not satisfied or otherwise disposed of. If its status is in any way changed prior to closing, please notify the company. Inasmuch as the provisions of a mortgage are often modified by unrecorded agreements, and since all the terms and conditions of the above mortgage are not set forth, we suggest that you contact the mortgagee for further information

For Information Only

Searches made by Department of Buildings:

Certificate of Occupancy attached

Searches made by Fire Department:

Not Applicable

Searches made by Highway Department:

Shore Drive is Town maintained

NEW WINDSOR NEW YORK 12553

NOVEMBER 8, 1994

1763

J.T. ABSTRACT, INCORPORATED
717 BROADWAY
NEWBURGH, N.Y. 12550

PROPERTY ASSESSED TO: ROBERT BOIARDI
502 SHORE DRIVE
NEW WINDSOR, NY 12553
SECTION 62, BLOCK 9, LOT 40,41

DEAR SIR:

PLEASE FIND ENCLOSED A COPY OF THE CERTIFICATE OF OCCUPANCY #221
ISSUED SEPTEMBER 6, 1991 FOR THE ABOVE REFERENCED STRUCTURE.

THAT SECTION OF SHORE DRIVE IS OWNED AND MAINTAINED BY THE TOWN
OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS
AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE
NO VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION
WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS
LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE
ARE NO VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL
REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY VIOLATIONS AT THE
SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN
INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR
DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER
PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR
TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE
INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF
COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED
AND IS IN OPERATION.

VERY TRULY YOURS,

Michael Babcock
MICHAEL BABCOCK
BUILDING INSPECTOR *MB*

MB:ldm

TOWN OF NEW WINDSOR
COUNTY OF ORANGE
555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

BUILDING DEPARTMENT

Building Permit No: 3868

Location: SHORE DR.E/S

Map No: 334800

Section: 62

Block: 9

Lot: 40.0

CERTIFICATE OF OCCUPANCY

CO No: 91-221

CO Date: 9/ 6/91

THIS CERTIFIES that the structure described herein, conforms substantitally to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated: 8/27/87, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law.

The structure for which this certificate is issued is as follows:

Material: SEE PLANS	Number of Stories: 1.0	Number of Families: 1
Dimensions of Building: 26X26X56	Dimensions of Lot: SEE PLANS	
Use of Building: ONE FAMILY	Number of Bedrooms: 3	
Number of Toilets: 2	Number of Bathrooms: 2.0	
Heating Plant: OIL		
Remarks: 62-9-40 & 41	ONE FAMILY MODULAR HOME	

This certificate is issued to: BOIARDI, ROBERT
for the aforesaid structure.


Building Inspector

(The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy).

DISTRIBUTION:

ORIG to APPLICANT,

COPY to FILE

STATE OF NEW YORK

AFFIDAVIT OF COMPLIANCE OF SMOKE ALARM INSTALLATION

IN ONE AND TWO FAMILY HOMES

State of New York)

SS:

County of Orange)

1. (I) (We) are the transferor (s) of the property described herein, and attest that the property at the time of transfer has installed on its premises an operable single station smoke detecting alarm device.

2. The property is a (one (two) family dwelling located at:

Address: 502 Shore Drive

Town: NEW WINDSOR County ORANGE

State: NEW YORK Zip 12553

3. (I) (We) make this affidavit in accordance with Section 373 subdivision 5 of the Executive Law.

Robert Baiardi L.S.
Transferor

Transferor L.S.

Sworn to before me this 6th day

of JANUARY, 1995

John F. McAlevey
Notary Public

JOHN F. McALEVEY
Notary Public, State of New York
Qualified in Rockland County
Commission Expires June 30, 1995

STATE OF NEW YORK

AFFIDAVIT OF COMPLIANCE OF SMOKE ALARM INSTALLATION

IN ONE AND TWO FAMILY HOMES

State of New York

)

SS:

County of Orange

)

1. (I) (We) are the transferor (s) of the property described herein, and attest that the property at the time of transfer has installed on its premises an operable single station smoke detecting alarm device.

2. The property is a (one (two) family dwelling located at:

Address: _____

Town: _____ County _____

State: _____ Zip _____

3. (I) (We) make this affidavit in accordance with Section 373 subdivision 5 of the Executive Law.

Transferor L.S.

Transferor L.S.

Sworn to before me this _____ day

of _____, 19 _____

Notary Public

6/10/96 Public Hearing: Lindemann, Marge #96-21

No	Objection	Name:	Address:
		Juan Del Curi	221 Shore Dr N.W.
		J. Aceto	223 Shore Dr N.W.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(38)

May 7, 1996

Marjorie A. Lindemann
203 Shore Dr.
New Windsor, NY 12553

Re: Tax Parcel: 62-9-40

Dear Ms. Lindemann:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00. Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

LESLIE COOK
Sole Assessor

/cad
Attachment

cc: Pat Barnhart, ZBA

Aceto, Louise F. X
RD#4 Shore Drive
New Windsor, New York 12553

Dalcin, Lynn A. X
Shore Drive Box 3188
New Windsor, NY 12553

Beaver Dam Lake Water Corp. X
c/o Helen O'leary
132 Shore Dr.
New Windsor, NY 12553

Dondysh Leon, & Victoria & Natalie
Apt. 11C 233 East 86th St.
New York, New York 10028 X

Lowe, James Jr. & Catherine X
RD#4 Shore Dr
New Windsor, NY 12553

Zumbo, Mario & Jenel La Perla X
207 Shore Dr.
New Windsor, NY 12553

Broadhurst, Robert JR. X
36 Bull Road
Washingtonville, NY 10992

Kuriplach, Andrew R. & Elizabrth X
38 Oak Drive
New Windsor, NY 12553

Kurz, Anna X
Box 503 Shore Dr
New Windsor, NY 12553

Vecchio, Mary C. X
189 Shore Drive
New Windsor, NY 12553

Schimenti, Dolores M. X
Apt. 2H 300 East 51 ST
NY, NY 10022

Schimenti, Marian & Dorothy M X
1227 Barry Dr. South
Valley Stream, NY 11580

Vella, Charles & Frederica X
c/o Vincent Doce
15 New Road
Newburgh, NY 12550

Sarnowski, Richard S. X
34 Oak Drive
New Windsor, NY 12553

Abouelezz, Ahmed & Grace
RD4 Oak Dr
Box 295
New Windsor, NY 12553

Laux, Frederick T. & Florence
RD4 Willow Ave
New Windsor, NY 12553

Cicccone, Paul M. & Joanne
Maple Ave
Box 495
New Windsor, NY 12553

Kelly, James G. & Marie A.
Oak Drive
New Windsor, NY 12553

Law, Walter B & Deborah C
RD4 Oak Drive
Box 299
New Windsor, NY 12553

Tretola, Joseph & Debra
33 Oak Dr.
New Windsor, NY 12553

Vanderessen, Adeline
315 Shore Drive
New Windsor, NY 12550

Moschitta, Micheal & Loretta
29 Oak Dr.
New Windsor, NY 12553

Cardinal, Thomas K & Andrea
23 Oak Dr.
New Windsor, NY 12553

Carlough, M. & Joan M.
301 Oak Dr RD4
New Windsor, NY 12553

Vassas, Robert & Lynnea
302 Oak Dr RD4
New Windsor, NY 12553

Bombardi, Joseph & Columbia Consigli
34-09 Bell Boulevard
Bayside, NY 11361

Scalla, Micheal F.
190 Shore Dr.
New Windsor, NY 12553

Palmer, Melville
194 Shore Dr.
New Windsor, NY 12553

White, Jerry K
202 Shore Dr.
New Windsor, NY 12553

Spindel, Carlotta
9014 Indian River Run
Boynton Beach, FL 33497

Monterforte, Gregory & Odile M.
212 Shore Drive
New Windsor, NY 12553

Mylonas, Chris Tomas & Gloria
216 Shore Dr
New Windsor, NY 12553

Cuttica, Ronald G. & Ramona L.
291 Oak Dr
New Windsor, NY 12553

Ferris, William & Margaret A
RD#4 Willow Ave
New Windsor, NY 12553

Scarazzini, Gilbert
Box 294 RD#4 Willow Ave
New Windsor, NY 12553

Savino, Domenick
238-26-115 Terrace
Elmont, NY 11003

Lovely, Robert C. & Mary E.
Box 286 B Oak Drive
New Windsor, NY 12553

Bothwell, James & Karen
RD#1, Box 692 Arbor RD.
Campbell Hall, NY 10916

Prelim
April 22, 1996
7:30 #96-21

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JANUARY 4, 1996

APPLICANT: MARGE LINDERMAN
203 SHORE DRIVE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JANUARY 4, 1996
FOR (BUILDING PERMIT): 7372
LOCATED AT: 203 SHORE DRIVE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 62, BLOCK: 9, LOT: 40
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET-BACK FOR ATTACHED POOL DECK

[Signature]
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE G-9	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.	40FT.	20FT. 20FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.



AL CALSBURG WILKS FIRE DISTRICT

[illegible]

Photo No. 7-349,345 Date of Map 9-12-67
Date of Photo 3-1-68 Date of Revision 2-1-71
Scale 1" = 100'

Section No 62

**RETAKE
OF
PREVIOUS
DOCUMENT**

PF 31 (3/77) Standard N.Y.B.T.U. Form 8001 Bargain and Sale Deed without Covenant against Grantors' Acts Individual or Corporation (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 6th day of January, nineteen hundred and ninety-five

BETWEEN ROBERT BOIARDI of 502 Shore Drive, New Windsor, NY

party of the first part, and MARJORIE A. LINDEMANN and LESLIE A. EMERY,
of 20B On-The-Green, New Windsor, NY, as joint tenants with rights
of survivorship

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party for the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Town of New Windsor, Orange County, New York, shown as Lots No., 58 & 59, Block 2 on Map of Beaver Dam Lake, Section 1, Lands of Henry Powell Ramsdell, dated 22 April 81 and filed in the Orange County Clerk's Office, bounded and described as follows:

Beginning at a point at the intersection of the westerly line of lands now or formerly of Kurz, South 36° 17 feet West, 182.0 feet to a point; thence along the shore of Beaver Dam Lake, North 51° 59' 54" West; 50.02 feet, to a point, thence along the easterly line of lands now or formerly of White, North 36° 17 feet East, 180.5 feet to a point thence along the said southerly line of Shore Drive, South 53° 43 feet East, 50.0 feet to the point and place of beginning.

Being and intended to be the same property acquired by the Grantor from Robert Boiardi and Linda K. Kearney by deed dated September 2, 1987 and recorded September 23, 1987 in the Orange County Clerk's office in Deed Book 2801, Page 243.

Property is improved with a one-family house. Property is not subject to a credit line mortgage.

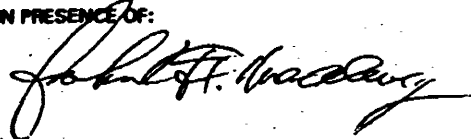
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

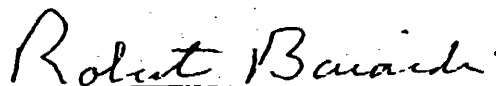
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:





Robert Boiardi

John F. McElroy

IN PRESENCE OF:

IN WITNESS WHEREOF, the party of the first part has duly executed this deed this day and year first above written.

STATE OF NEW YORK, COUNTY OF ~~Rockland~~ **ORANGE** ss:

On the 6th day of January 19 95, before me personally came

ROBERT BOIARDI

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

John F. McElroy
JOHN F. McELROY
Notary Public, State of New York
Qualified to Notarize in the State of New York
Commission Expires 95

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No. ;

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. ;

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw

execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

Without Covenant Against Grantor's Acts

Title No. _____

BOIARDI

TO

LINDEMANN & EMERY

Standard Form of New York
Board of Title Underwriters
Distributed by

USLIFE TITLE INSURANCE
Company of New York

SECTION 62

BLOCK 9

LOT 40 and 41

COUNTY OR TOWN New Windsor

Recorded at Request of

USLIFE TITLE INSURANCE

Company of New York

RETURN BY MAIL TO

Zip No.

RESERVE THIS SPACE FOR
USE OF RECORDING OFFICE

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 21

Request of Marjorie A. Lindermann

for a VARIANCE of the Zoning Local Law to permit:

existing attached pool deck w/ insufficient rear
yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk
Regs. - Cdt. G

for property situated as follows:

203 Shore Drive, New Windsor, N.Y.

known as tax lot Section 62 Block 9 Lot 40.

SAID HEARING will take place on the 10th day of June,
1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

96-21.

Date: 5/6/96.

I. ✓ Applicant Information:

- (a) MARJORIE A. LINDEMANN 914-496-1375 203 Shore Drive ✓
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-9 203 Shore Drive 62-9-40 182x50.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1/6/95.
- (e) Has property been subdivided previously? N/A
- (f) Has property been subject of variance previously? yes.
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A.
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

N/A
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application. N/A.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No N/A.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

- ✓ whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

There will be no undesirable change to the character of the neighborhood; benefit sought cannot be achieved by some other method; Variance requested is not substantial; No adverse effect or impact on the physical or environmental conditions in the neighborhood or district; Applicant for hazardous reasons had to replace one deck so a portion of the variance was self-created.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

- N/A
(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

- N/A
(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Applicant has taken steps to enhance the rear yard of the property, thereby verifying the fact that conditions & safeguards are maintained which will foster the spirit & intent of the Zoning Code.

IX. Attachments required:

- X Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- X Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- X Copy of deed and title policy.
- X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- X Photographs of existing premises from several angles.

X. Affidavit.

Date: May 6, 1996

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Therese A. Lindemann
Applicant

Sworn to before me this

6th day of May, 1996.

Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Date 5/1/96, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Both 147 Sycamore Dr. DR.
New Windsor Ny 12553

DATE			CLAIMED	ALLOWED
4/21/96	P Zoning Board Mtg		75 00	
	Misc. - 2			
	Dicoiacomo - 5			
	Vasquez - 3			
	L. D. ... - 4 18.00.			
	VGR Assoc. - 5			
	Bothstein - 13			
	32		144 00	
			219 00	

~~LINDERMAN, MARGE~~

MR. NUGENT: Request for 20 ft. rear yard variance for existing attached pool deck at 203 Shore Drive in an R-4 zone.

Ms. Marge Linderman appeared before the board for this proposal.

MS. LINDERMAN: This is the deck and this deck, this is the top deck, this is around the pool, this is what the deck looks like, here is, this is ten feet from here to the deck that is, these are just wood slats, that is the only way they are connected. When I proposed to the town for my permit, this is what I gave them and apparently, when construction was being done, they said that I couldn't have a staircase from this deck down to that deck because you have to have a 40 feet rear yard. So what they did which you know I had no idea whether it was right or wrong, they just brought the deck in here. Just put it right underneath the other deck so they were, they are not connected but just like a dropoff is right under it. And I have a staircase going down the side of this deck, goes down here and you have to go up another staircase to go to that so the only thing, the problem is that they are saying it looks connected, even though if you look at the slats here, it's not really connected. But these two here because of privacy, I had them put it up so really if you want--

MR. NUGENT: Technically, they are connected but you have to go down the walk to get on it?

MS. LINDERMAN: You have to go down the side deck and come up, to come up the other deck but technically now there's 29 feet from the end of my deck to the lake instead of 40.

MR. LANGANKE: Is that the water?

MS. LINDERMAN: Yes.

MR. LANGANKE: What if the lake goes down?

MS. LINDERMAN: I have 14 feet into the lake.

MR. TORLEY: That is your property line is 14 feet into the lake?

MS. LINDERMAN: If you look at the map, that doesn't say that but I was told that I own 14 feet into the lake. But if you look at the map, it says I have 182 feet from the street to the back yard which actually I never measured it, maybe the 182 feet goes into the water, I don't know.

MR. REIS: It's very common in that area for that to be the case.

MR. TORLEY: So you are saying the lake may well be higher than the map indicates?

MR. REIS: No, it's very common for the properties to be into the water.

MR. TORLEY: Well, if you can measure it and you have got that other 14 feet into the lake, does she have to be here at all?

MR. NUGENT: She needs 20 feet, she's asking for 20.

MS. LINDERMAN: I have 29 because there was seven feet here in between these two when he built this and now they are up together so there's really a few subtracted, each one of these, the house, subtract the driveway which is 63 feet, the house is 59'2," if you subtract, I have 29 feet from the end of the deck to the lake at this point according to this map.

MR. TORLEY: If the property runs 14 feet out into the lake, does she have to be here at all?

MR. KRIEGER: Here's the problem, according to the map, the lake begins where the property line ends. If in fact the lake covers part of the property, it's still measured from the end of the property line. So it's misleading for her to talk about or anybody to talk about so much distance between the lake and the deck. It's between the back property line, whether it's under

water or not, the deck, and that is where the shortage lies. The fact that it may be that it is toward the lake and it's covered up maybe a factor that you may consider for the individuality of this particular application for the legality, for the necessity of making the application.

MR. TORLEY: The property is 182 feet long and you measure it from the road back the 182 feet, see where that takes you.

MS. LINDERMAN: Like I said, he's correct if it's 182 feet and I subtract everything, I only have 29 feet, no matter which way you look at that.

MR. KRIEGER: I think the board members will want to know as a matter of fact at the time of the public hearing how much of that 29 feet that you are short is actually covered by water, so that they can get an idea of the situation of the property factually that would enable them to make a decision for purposes of the application. Doesn't matter for the purpose of the decision you may be well advised to be able to answer those questions to help the board understand what the situation is so they can make a decision.

MR. TORLEY: You took your assumed 182 feet and subtracted everything and wound up with 29 feet?

MS. LINDERMAN: That is correct.

MR. REIS: What causes you come before the board?

MS. LINDERMAN: I wanted to get, when I built this, I just built it last April or May, I had a permit and I wanted to get a C.O. and in order to get a C.O., he said I had to get a variance.

MR. REIS: Thank you. Accept a motion?

MR. NUGENT: Yes.

MR. LANGANKE: I make a motion that we set Marge Linderman up for a public hearing on her request for 20 feet rear yard variance.

MR. REIS: Second it.

ROLL CALL

MR. REIS AYE
MR. KANE AYE
MR. LANGANKE AYE
MR. TORLEY AYE
MR. NUGENT AYE

MR. KRIEGER: The zoning board can only grant you as a matter of law what you ask for. If you ask for six inches less than what you need, tough, they can only grant you what you ask for. They may decide to grant it less than you asked for but they can not grant you more.

MS. LINDERMAN: You're better off going with what you have.

MR. KRIEGER: When you come back, if you'd address yourself to the criteria, those are the criteria set forth by the state that the zoning board must consider. Also I'd like to see the deed and title policy. I don't need to keep them, just show them to me and I'll give them right back to you.

MS. LINDERMAN: No problem.